

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**DEREK KHANNA, individually and derivatively** )  
**on behalf of Shimby Corporation,** )

**Plaintiff,** )

**v.** )

**KATELYNN BANKS, and** )  
**MARYAM HUSSEIN,** )

**Defendants, and** )

**SHIMBLY CORPORATION, a Delaware** )  
**corporation** )

**Nominal Defendant.** )

**Case No. 21-cv-5752**

**Hon. Judge Virginia M. Kendall**  
**Magistrate Judge Susan E. Cox**

**JURY TRIAL DEMANDED**

**AFFIDAVIT OF HILLARD M. STERLING IN FURTHER SUPPORT OF PLAINTIFF'S  
MOTION FOR RULE 37(b)(2) SANCTIONS AND FOR RULE TO SHOW CAUSE**

I, Hillard M. Sterling, declare and certify under penalty of perjury that the following is true and correct:

1. I am a Partner with the law firm of Roetzel & Andress LPA, and Counsel for Plaintiff Derek Khanna ("Plaintiff") in the above-captioned action. I am admitted to practice law before this Court. I possess personal knowledge of the matters set forth in this Affidavit, which is made and filed in further support of Plaintiff's Motion for Rule 37(b)(2) Sanctions and for Rule to Show Cause (Doc. No. 90).

2. In the course of the above-captioned action, I created or received copies of the documents described herein.

3. Attached hereto as Exhibit 1 is a true and correct copy of a Transcript of Proceedings before the Court on February 3, 2023.

4. Attached hereto as Exhibit 2 is a true and correct copy of a letter which I sent to Defendants' counsel on February 9, 2023.

5. Attached hereto as Exhibit 3 is a true and correct copy of an email which I sent to Defendants' counsel on February 28, 2023.

6. Attached hereto as Exhibit 4 is a true and correct copy of Plaintiff's Response to Defendant's Combined Motion to Dismiss, which was filed in the civil action *Shimbly Corp. v. Khanna*, Case No, 2021-L-000211, in Cook County Circuit Court, on April 7, 2021.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Complaint at Law filed in the civil action *Shimbly Corp. v. Khanna*, Case No, 2021-L-000211, in Cook County Circuit Court, on January 7, 2021.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the 7<sup>th</sup> day of March 2023.

/s/ Hillard M. Sterling  
HILLARD M. STERLING

Dated: March 7, 2023

HILLARD M. STERLING  
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**ATTORNEY FOR PLAINTIFF**